

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated December 30, 2005, is respectfully requested in view of this amendment. By this amendment, claims 1, 3-4, 6-9 and 9 have been amended. Claims 1-10 are pending in this application.

The amendments to the specification present the application in an appropriate US format, as suggested by the Examiner. The amendments to the claims present the claim language in clearer colloquial English. It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

In the outstanding Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1-2 were rejected under 35 U.S.C. §102(e) as anticipated by *Senoh* (U.S. Patent No. 4,730,373). Claims 3-5 were deemed allowable. These rejections, as applied to the revised claims, are respectfully traversed.

It is noted that by preliminary amendment, claims 3-5, which were multiply-dependent, had been rewritten as claims 3-10.

Rejections Under 35 U.S.C. §112

The Examiner rejected claims 1-5, 29, 33, 42-45 and 50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Response

Reconsideration and withdrawal of the rejection are respectfully requested. In response to this rejection, the claims have been amended in order to present the claims in clear idiomatic language. Therefore, it is respectfully submitted that amended claims now particularly

point out and distinctly claim the invention. Removal of the rejection under 35 U.S.C. §112, second paragraph is therefore requested.

Rejections under 35 USC §102

Claims 1-2 were rejected under 35 USC 102(b) as anticipated by *Senoh*. *Senoh* is cited as disclosing a second tool holder which can be moved in a controlled fashion along two axis, in which the movement of the second tool holder is synchronized with the movement of a first compound slide system, so that the movement of the second tool holder is an arithmetic overlay of the movement of the first compound slide system. This rejection is traversed.

Claim 1 defines

A lathe ... by means of which the work spindle can move vertically in the Z1 direction and horizontally in the X1 direction ... [a] second tool holder (46) movable along two axes by a second compound slide system (28, 30, 32, 34); and ... the second tool holder (46) synchronized with the movement of the first compound slide system (19) in such a way that the movement of the second tool holder (46) corresponds to an arithmetic overlay of the movement of the first compound slide system (19)

Senoh fails to show or suggest a work supporting position in which the second tool holder is movable vertically and horizontally and fails to show the second tool holder movable along two axis with respect to a work spindle which can move vertically and horizontally. *Senoh* discloses a conventional vertical lathe that has a base and a work supporting position which is freely rotatable and freely adjustable in a vertical position.

Applicant's claimed invention does not relate to a vertical lathe but to a pick-up lathe, that is characterized by a work spindle on whose lower end the workpiece clamps are positioned. The work spindle can move vertically *and* horizontally ("the work spindle can move vertically in the Z1 direction and horizontally in the X1 direction" -- claim 1). This movement is necessary for "picking up" a workpiece with workpiece clamps and moving the workpiece to a position where

it can be worked on. In a pick-up lathe, the advancing movement results from the work spindle and not from the movement of the tools as described in *Senoh*. Therefore, the tools in the lathe according to *Senoh* cannot perform the relative movement against each other for providing different advancing movements ("the second tool holder (46) movable along two axes by a second compound slide system" -- claim 1). The grooves 25T in the upper plate 25 only provide the possibility of freely positioning the arm members 27R, 27L, on which the tools (machining devices 5A-5D) are mounted, in the horizontal direction.

In contrast with the present invention, after positioning, the arm members are fixed in position and during use of the lathe, the arm members do not move relatively against each other (compare column 3, lines 35-56). In particular, the only part of the *Senoh* machine that can move independently in the vertical direction is the work-supporting device.

In contrast, Applicant's claims set forth a lathe wherein the second tool holder can move independently in two orthogonal directions, such as vertically and horizontally. Applicant's claimed invention provides that the movement of the second tool holder is synchronized with the movement of the first compound slide system by means of which the work spindle can move vertically and horizontally.

Senoh cannot anticipate the invention because *Senoh* fails to disclose or suggest the independent movement by the second tool holder in the vertical and horizontal directions with the movement of the first compound slide system such that the movement of the second tool holder is an arithmetic overlay of the movement of the first compound slide system. *Senoh* further fails to anticipate the invention because *Senoh* fails to suggest the arithmetic overlay of the movement of the first compound slide system in combination with the relative movement between the workpiece and the second tool holder.

Allowed Claims

The Examiner indicated that claims 3-5 are allowable over the prior art of record. Applicants appreciate this determination of allowability. It is noted that by preliminary amendment, claims 3-5 were rewritten as claims 3-10.

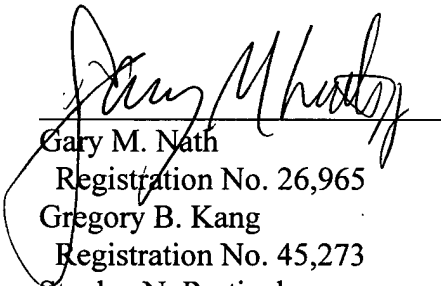
CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,
NATH & ASSOCIATES PLLC

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NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396



Gary M. Nath
Registration No. 26,965
Gregory B. Kang
Registration No. 45,273
Stanley N. Protigal
Registration No. 27,658
Customer No. 20529